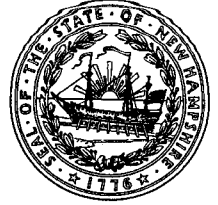




**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2004-62**

September 22, 2004

Ronald S Dudley  
37 Dockham Shore Rd  
Gilford, NH 03249

RE: File #1999-00711 – Gilford Tax Map 223, Lot 23

Dear Mr. Dudley

On August 24, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of property you own in Gilford, NH, more specifically referenced on Town of Gilford Tax Map 223 as Lot 23 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, RSA 482-B, the NH Code of Administrative Rules Wt 100-700, the Shoreland Protection Administrative Rules Env-Ws 1400, and Wetlands and Non-Site Specific Permit #1999-711 (the "Permit"). The Permit authorized the installation of a 6 ft x 40 ft seasonal pier in accordance with the approved plans dated August 30, 1999, as received by the Department August 30, 1999 (the "Plans").

The inspection revealed that work on the Property was not conducted in accordance with the Permit. During the inspection the following deficiencies were documented:

1. The seasonal pier extends 50 ft 4 inches beyond the normal high water mark.
2. A 4 ft x 10 ft 6 inch seasonal wharf was installed completely over the water.
3. A 2 ft 4 inch x 7 ft walkway was installed 4 ft 6 inches past normal high water mark.

Review of DES records indicates that no new permits or amended permits exist for a seasonal walkway, seasonal wharf, and extension of the seasonal pier past normal high water. In response, you are requested to take the following actions prior to year 2005:

- a. Permanently remove the seasonal walkway.
- b. Permanently remove of the seasonal wharf.
- c. Reduce the extension of the seasonal pier from normal high water to the proposed length of 40 ft.

3. Please Submit photos presenting the corrected deficiencies.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to

wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Darlene Forst, Shoreland Program Supervisor  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

**COPY**

Darlene Forst,  
Shoreland Program Supervisor  
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 0435

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Gilford Conservation Commission  
Gilford Board of Selectmen  
USACOE